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FLEISCHER, MARK A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/694,502

Applicant(s)

BOWLER, STEVEN B.

Examiner

MARK A. FLEISCHER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 5 May 2008
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This Non-Final Office Action is in reply to the response to the first Non-Final Office Action filed on 2 June 2008.
2. Claims 1-3, 10, 11, 14 and 19-23 have been amended.
3. Claim 6 has been cancelled.
4. Claims 1-5 and 7-23 are currently pending and have been examined.

Response to Amendment

5. The objections to the drawings in the previous office action are withdrawn, in response to Applicant's new drawings and amendments to the Specification.
6. The objections to claims 14, 19-21 and 23 in the previous office action are withdrawn in light of Applicant's amendments.
7. The rejections of claims 1-3, 10, 11, 19, 22 and 23 under 35 U.S.C. §112, 1st paragraph pertaining to how cross dependencies are 'established' and how a *modification ... is operable...* (claim 23) are withdrawn in light of Applicant's amendments to these claims.
8. The rejections of claims 1-10, 20, 21, and 23 under 35 U.S.C. §112, 2nd paragraph are withdrawn in light of Applicant's amendments to and/or cancellation of these claims.
9. The rejections of claims 20, 21, and 23 under 35 U.S.C. §101 are withdrawn in light of Applicant's amendments and/or arguments as the case may be.

Response to Arguments

10. Applicant's arguments received on 2 June 2008 have been fully considered but they are not persuasive. Referring to the previous Office action, Examiner has cited relevant portions of the references as a means to illustrate the systems as taught by the prior art. As a means of providing further clarification as to what is taught by the references used in the first Office action,

Examiner has expanded the teachings for comprehensibility while maintaining the same grounds of rejection of the claims, except as noted above in the section labeled "Status of Claims." This information is intended to assist in illuminating the teachings of the references while providing evidence that establishes further support for the rejections of the claims.

Applicant argues that the prior art of record does not teach or suggest

1. "...a method for managing scheduling interdependencies between a plurality of different programs (i.e., projects)." (Applicant's Remarks, p.12)

a. and that the prior art is "limited to managing interdependencies within a single project plan." (Applicant's Remarks, p.12);

2. "receiving interdependencies between activities from a plurality of programs." (Applicant's Remarks, p.14)

11. In response to argument 1, Examiner respectfully disagrees. The claims recite the phrases "plurality of programs". The term 'program' or 'project' can have different meanings. In the broadest, reasonable interpretation, a *program* is a plan of action to achieve an end or goal. Thus, a *task* in the broadest, reasonable interpretation is a program as it is in place to achieve a result. The prior art of record does, in fact, teach a method for managing and scheduling interrelated tasks. Indeed, Applicant admits that "Robson is directed to a method for managing a project that includes a plurality of interdependent tasks." (Applicant's Remarks, p.13). Similarly, a *project* is generally comprised of a series of tasks and thus is essentially equivalent to a *program*.

12. In addition, the prior art specifically addresses managing "multiple projects" (Robson [9,25-27] also as shown in Applicant's Remarks, p. 13). Applicant argues that the above reference merely refers to actions related to "storing information about multiple projects [and] does not teach or suggest that those projects are linked in any way." (Applicant's Remarks, p. 13). However, Robson states that "In practice, projects may be considerably more complex than suggested by FIG. 2 and the present invention is drawn to managing such complex projects, using the systems

and methodologies detailed herein." (emphasis added) (Robson [5,20]) where 'complex projects' reasonably entail a multitude of smaller projects, hence a multitude of tasks.

13. Essentially, the crux of Applicant's arguments depends on how one defines a 'program' or 'project' because such definition is essential in determining what constitutes a 'plurality of programs (projects)'. Such definition is, of necessity, dependent on the perspective of a user or other person who must consider the metes and bounds or *scale* of a project. Thus, the 'complex projects' mentioned in Robson may be 'complex' because of its scale and magnitude and the complex linkages between its constituent tasks. If one has the perspective of a high-level manager, such person will most likely consider an 'enterprise'-wide project that may reasonably entail many individual 'sub' projects all geared towards advancing the multiplicity of goals of the enterprise. The perspective of a person in a particular department of an enterprise will view a project differently and perhaps in isolation of another project in another department. Indeed, some projects may not have any explicit dependencies on other projects *per se*, *i.e.*, in terms of project oriented and/or project specific tasks and dependency relationships. Nevertheless, there can exist *implicit* dependencies, and therefore linkages, by virtue of the fact that many projects may require use of common resources thereby creating 'cross-dependencies' between and among tasks associated with a number of different goals. Thus, when viewed from a larger perspective, the enterprise-wide project is just a single, grand project to further the purposes of the enterprise wherein the many 'tasks' have interdependencies and which may come under the purview of one or more departments. Indeed, many approaches for modeling projects using graph theoretic means use sets of nodes to represent tasks or activities. In many cases, sets of such nodes can be collapsed into single nodes which then depict an entire set of tasks or single project or larger-scale task. Similarly, any specific project may involve a multiplicity of smaller, sub-projects. In such case, single nodes in a related graph can be expanded to reveal or model the subtasks comprising a given project. The instant invention therefore seeks to discriminate methods of project management based on its scale which the cited prior art already addresses.

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14. As to argument 2, Examiner provides the appropriate references within the prior art of record as shown in the rejections below.

Information Disclosure Statement

15. The Information Disclosure Statement filed on 5 May 2008 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Claim Rejections - 35 USC § 112

16. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

17. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant employs the phrase *with electronic notification* in conjunction with *fixed duration scheduling*, but it is unclear what information and to whom the *electronic notification* pertains. It is thus vague and indefinite. For purposes of examination, Examiner interprets this to mean that some tasks have an anticipated or expected duration and hence, an expected finish time, and that *electronic notification* pertains to notification to responsible entities, such as managers, that a given task start time may need to be modified.

Claim Rejections - 35 USC § 101

18. 35 U.S.C. §101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

19. Claims 1-5 and 7-10 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Based on Supreme Court precedent, and recent Federal Circuit decisions, the Office's guidance to examiners is that a §101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780,787-88 (1876). An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a §101 statutory process, the claim should positively recite the other statutory class (the thing or product) to which it is tied, for example by identifying the apparatus that accomplishes the method steps, or positively recite the subject matter that is being transformed, for example by identifying the material that is being changed to a different state. Examiner notes that the limitations in these claims appear to constitute method steps which, when tied to another statutory category as stated above, could render them to be within the statutory framework. Specifically, while these claims mention a 'computerized method', this is merely a nominal recitation that only tangentially refers to another statutory class and could thus encompass any type of method that is 'computerized'. To come within the ambit of the statutory classes of patentability, the Applicant must recite the various components that are required to implement the invention.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the

art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 1–6, 10–14, 16, 19, 20, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson (US 7330822 B1) in view of Pollalis (US 5016170 A).

Claim 1:

Robson, as shown, describes and/or discloses the following limitations:

- *receiving interdependencies between activities from a plurality of programs* (Robson, in at least [5,44] states “Other dependency relationships may be defined and implemented within the context of the present invention [...]” (emphasis added) where ‘defining and ‘implement[ing]’ dependency equates to *receiving interdependencies*... See also [9,34–49], the step of “storing” and ‘defining’ a dependency relationship ([9,50]) also corresponds to *receiving interdependencies*, and in at least [9,27] refers to “multiple projects” which corresponds to *from a plurality of programs*.) and;
- *graphically displaying said interdependencies of said activities in a computerized schedule available to multiple program managers such that modification of one of said interdependent activities updates said schedule of said activities* (Note, Examiner interprets this last limitation as having identical scope as the last limitation in **claim 10**. Robson, in at least [6,27] states: “This ability [...] not only enables project managers to manage [...]” (emphasis added) where ‘enables project...’ corresponds to *multiple program managers* that are ‘enabled’, hence where the *schedule [is] available*. Robson also refers to the “project schedule” where it is “viewed as a computer system configured for managing a project...”, hence corresponds to *a computerized schedule*. Robson further states in at least [1,58]: “What are needed, [], are [...] tools that enable project contributors to dynamically update the project definition and timeline.” (emphasis added) where this pertains to the ‘modification of activities’ and the ‘update’ of the related ‘schedule’. In claim 10, the modified schedule corresponds to the *impact of a schedule*.)

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis, in an analogous art, does as shown. In at least the abstract, Pollalis states: "[I]nformation about dependencies in the performance of the tasks are indicated graphically on the display." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Robson and Pollalis because Pollalis' system "is interactive, readily understandable, capable of generating meaningful visual images which are useful for the development of schedules and easily updated. It can be employed to develop an initial schedule, monitor progress, generate forecasting information, and manage a project or group activity." (Pollalis [2,31]) and thus provides a known technique to improve the utility of Robson and those skilled in the art would have recognized that applying the known technique would have yielded an improvement that was predictable.

Claim 2:

Robson, as shown, describes and/or discloses the following limitations:

- *storing information about activities from a plurality of programs in a database* (Robson, in at least [3,39] states: "[I]n a project that includes a plurality of interdependent tasks, [...] the database storing: a definition of a first and a second task, a status associated with each of the first and second tasks, and a first dependency relationship between the first and the second task []" (emphasis added) where the 'database' stores the 'interdependent tasks' and the 'dependency relationship') *the information including interdependency data specifying interdependencies between the activities* (Robson [3,42-4]);
- *graphically displaying said interdependencies in a program schedule wherein a modification of one of said activities in one of said programs causes an effect of said modification to said program schedule to be displayed* (Robson, in at least [6,27] states: "This ability [...] not only enables project managers to manage [...]" (emphasis added) where the text refers to *multiple program managers* that are 'enabled', hence where the *schedule [is] available*. Robson also refers to the "project schedule" where it is "viewed as a computer system configured for managing a project...", hence corresponds to a *computerized schedule*. Robson further

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states in at least [1,58]: "What are needed, [], are [...] tools that enable project contributors to dynamically update the project definition and timeline." (emphasis added) where this pertains to the 'modification of activities' and the 'update' of the related 'schedule' and corresponds to *causes an effect of said modification to said program schedule to be displayed*).

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis, in an analogous art, does as shown. In at least the abstract, Pollalis states: "[I]nformation about dependencies in the performance of the tasks are indicated graphically on the display." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Robson and Pollalis because Pollalis' system "is interactive, readily understandable, capable of generating meaningful visual images which are useful for the development of schedules and easily updated. It can be employed to develop an initial schedule, monitor progress, generate forecasting information, and manage a project or group activity." (Pollalis [2,31]) and thus provides a known technique to improve the utility of Robson and those skilled in the art would have recognized that applying the known technique would have yielded an improvement that was predictable.

Claims 3, 11, 19 and 22:

Robson, as shown, describes and/or discloses the following limitation.

- With respect to the limitations of **claim 11** not common with those of claim 3, specifically, the phrase *viewable and modifiable by multiple program managers across a network*, Robson, in at least [2,26] states: "[A] method of managing a project [...] may include steps of defining [...] and storing [...] tasks in a database [...] and remotely accessible over a computer network [...]" and in [0014] states: "[T]he steps required to resolve the Issue [...] may evolve into (or may be modified to include) [...]" (emphasis added) where 'managing a project' and 'defining' corresponds to *modifiable by multiple program manager[]* and 'computer network' corresponds to *across a network*. Finally, this applies to a plurality of managers as shown by Robson in at least [0013]: "This ability to insert an Issue into the task hierarchy not only enables project managers to manage [...]" (emphasis added).
- With respect to the limitations of **claim 19** not common with those of claims 3 or 11, Robson, as shown below describes and/or discloses the following limitations.
- *a database operative to maintain identifying activities* (Robson, in at least [0010] states: "[A] method of managing a project [...] may include steps of defining [...] and storing [...] tasks in a database [...]" (emphasis added) where 'defining' corresponds to *maintain identifying activities* and 'database' corresponds, obviously, to *a database*.)
- *a user interface operative for graphically display* (Robson, in at least [0025] states: "the user accessing the database", hence is *a user interface operative for*. Robson further states in [0011]: "The selectively and remotely accessible graphical representation may be rendered on a Web browser or other suitable interface." (emphasis added) and the 'graphical representation' on a 'Web browser' in conjunction with 'suitable interface' corresponds to the aforementioned *user interface for graphically...*)
- *a database operable to maintain activities identified from a plurality of programs* (Robson in at least [2,30-48]); *and*
- *a processor programmed* (Robson [3,60]) *to:*

- *...the computer-readable medium having stored thereon a series of computer-executable instructions which, when executed by a processing component of a computer system, causes the processing component to manage programs with cross-program dependencies, by* (Robson [4,16]: "The present invention, according to another embodiment thereof, is a machine-readable medium having data stored thereon representing sequences of instructions which, when executed by computing device, causes the computing device to manage a project timeline that includes a plurality of interdependent tasks by performing the steps of ..." (emphasis added) where 'interdependent tasks' corresponds to *cross-program dependencies*),
- *receiv[ing] interdependencies between activities from a plurality of programs* (Robson, in at least [5,44] states "Other dependency relationships may be defined and implemented within the context of the present invention [...]" (emphasis added) where 'defining and 'implement[ing]' dependency equates to *receiving interdependencies*... see also the rejection of claim 1, and in at least [9,27] refers to "multiple projects" which corresponds to *from a plurality of programs*.)
- *graphically displaying said interdependencies of said activities in an electronic schedule, viewable by multiple program managers* (Robson, in at least [1,58] states: "What is also needed are methods and systems to enable potentially widely disseminated project contributors to update the status of their assigned task [and] accurately describes the current status of the entire project and its constituent tasks [...]" (emphasis added) where 'project contributors' corresponds to *multiple program managers*. Robson, in at least [10,49] further states: "[T]he Web-enabled application embodying the present invention may maintain a selectively and remotely accessible graphical representation [...] Such graphical representation is preferably selectively truncated, masked or otherwise customized, depending upon the permission of the person requesting access thereto [...] an identity of one or more entities (project team, a project member, a subcontractor and a vendor, for example) allowed access to and/or having responsibility [...]" (emphasis added) where the

'allowed access' of one 'having responsibility' corresponds to *program managers* that view the 'graphical representation', hence is *viewable* as per the limitation.) *such that a modification of one of said activities reestablishes said interdependencies in an updated, graphical display of said electronic schedule* (Robson, in at least [1,58]: "What are needed, [], are [...] tools that enable project contributors to dynamically update the project definition and timeline." (emphasis added) where 'dynamically update' corresponds to *reestablishes said interdependencies in an updated...*).

Robson does not specifically disclose *graphically displaying said interdependencies*, but Pollalis, in an analogous art, does as shown. In at least the abstract, Pollalis states: "[I]nformation about dependencies in the performance of the tasks are indicated graphically on the display." Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Robson and Pollalis because Pollalis' system "is interactive, readily understandable, capable of generating meaningful visual images which are useful for the development of schedules and easily updated. It can be employed to develop an initial schedule, monitor progress, generate forecasting information, and manage a project or group activity." (Pollalis [2,31]) and thus provides a known technique to improve the utility of Robson and those skilled in the art would have recognized that applying the known technique would have yielded an improvement that was predictable.

Claim 10:

Robson, as shown, describes and/or discloses the following limitation.

- *receiving interdependencies between activities from a plurality of programs* (Robson, in at least [5,44] states "Other dependency relationships may be defined and implemented within the context of the present invention [...]" (emphasis added) where 'implement[ing]' dependency equates to *receiving interdependencies...* see also the rejection of claim 1, and in at least [9,27] refers to "multiple projects" which corresponds to *from a plurality of programs*.)

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- *graphically displaying an impact of a schedule and a status of one of said activities in one of said programs on said schedule and said status of one of said activities in another of said programs.* (Robson, in at least [10,49] further states: "[T]he Web-enabled application embodying the present invention may maintain a selectively and remotely accessible graphical representation [...]" (emphasis added) where 'graphical ...' corresponds to *graphically displaying*... Robson, in at least [1,53]: "As most tasks within a project are connected to many others, a failure or delay in even a seemingly low-level task may have profound repercussions in higher level tasks as the effect of that failure or delay ripples up the project hierarchy," (emphasis added) where the emphasized text corresponds to *impact of a schedule*... as does [1,65]: "describes the current status".)

Robson does not specifically disclose *graphically displaying an impact*, but Pollalis, in an analogous art, does as shown. Pollalis [2,37] states: "Large amounts of information can be effectively displayed in a small space. The hierarchical structure allows rapid switching between high level charts and those which depict the greatest level of detail." and corresponds to *graphically displaying an impact*... Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the features of Robson and Pollalis because Pollalis' system "is interactive, readily understandable, capable of generating meaningful visual images which are useful for the development of schedules and easily updated. It can be employed to develop an initial schedule, monitor progress, generate forecasting information, and manage a project or group activity." (Pollalis [2,31]). Pollalis provides a known technique to improve the utility of Robson and those skilled in the art would have recognized that applying the known technique would have yielded an improvement that was predictable.

Claim 4:

Robson describes and/or discloses the limitations of claim 3 as shown above. Robson further describes and/or discloses the following limitation.

- *The method of Claim 3 wherein said modification of one of said activities initiates an approval request requiring a response before said modification* (Robson, in at least [0014] states: "[T]o

resolve an Issue, the execution of specific steps may be required. [...]he steps required to resolve the Issue may be such as to require some level of authorization from some level of the project management team. In such a case, the Issue may evolve into (or may be modified to include) a Change Request [...] When and if authorization is obtained to implement the changes [...], the Change Request [] may evolve into (or be replaced by) a Change Order. [that], identifies the changes or steps that have been authorized by the relevant authority to resolve the Issue[...]." (emphasis added) where *modification of [an] activity* is correspondent with 'execution of specific steps' along with *approval request* which is correspondent to a 'change request' and *requiring a response before said modification* is correspondent with 'if authorization is obtained' and 'authorized by the relevant authority'.)

Claim 5:

Robson describes and/or discloses the limitations of claim 3 as shown above. Robson further describes and/or discloses the following limitation.

- *The method of Claim 3 wherein said modification also transmits an electronic message to managers of programs affected by said modification* (Robson, in at least [0016] states: "The present invention may also advantageously be configured to send a message (such as by email, for example) to the person assigned to any given Task, Issue, Change Request and/or Change Order. The message may be automatically sent via a workflow and Web-based system before the due date of the Task, Issue, Change Request and/or Change Order to remind and/or prompt for changes in the status and estimated completion dates thereof. Automated email-based messaging is highly useful [...]." (emphasis added) where the emphasized text pertaining to 'email' corresponds to *an electronic message* and 'to the person...' corresponds to *managers of programs* as they are typically responsible for processing 'change requests'.)

Claim 12:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

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- *The system of Claim 11 wherein modification of an activity initiates an approval request, said approval request requiring a response before said electronic schedule is updated with reestablished interdependencies* (Robson, in at least the abstract states: "[T]he Change Request identifies step(s) to be taken pending authorization to resolve the Issue and the Change Order identifies authorized step(s) to do so." (emphasis added) where 'change request' and 'change order' corresponds to *modification of an activity* and 'authorized steps', *ipso facto* requires some approval response. In [0007], Robson states: "What are needed, therefore, are improved project scheduling tools that enable project contributors to dynamically update the project definition and timeline." (emphasis added) where 'contributors' corresponds to entities initiating an *approval request* and 'dynamically update' and 'project definition and timeline' correspond to *reestablished interdependencies* as new project definitions entail new project dependencies.)

Claim 13:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *The system of Claim 11 wherein an attempted modification transmits an electronic message to managers of programs affected by said attempted modification* (Robson, in at least [0016] states: "Automated email-based messaging is highly useful when the resolution of one or more Tasks, Issues, Change requests and/or Change Orders depends upon actions of people or organizations that are widely scattered across multiple organizations, countries and/or time zones." (emphasis added) where 'automated email...' corresponds to *an electronic message* and 'resolutions' that 'depends upon actions of people' together corresponds to *managers of programs affected by said attempted modification* because the resolution is *ipso facto* made by those *affected by change requests or orders*.)

Claim 14:

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Robson describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *wherein said processor is further programmed to provide fixed-duration scheduling with electronic notification* (Robson, in at least [1,58] to [2,20] states: "What are needed, therefore, are [...] tools that enable project contributors to dynamically update the project definition and timeline [...] to update the status of their assigned task [...] in a manner that insures that the overall project timeline accurately describes the current status of the entire project [...]." (emphasis added) and in at least [7,58] states: "The present invention may also advantageously be configured to send a message (such as by email, for example) [...]." (emphasis added) where the 'project timeline' accounts for tasks with *fixed duration* or 'anticipated' duration (timeline—see Robson at [1,17] regarding "anticipated timeline") and is 'dynamically update[d]' via a 'message' sent by 'email' which corresponds to *electronic notification*.)

Examiner's Note: In the first Non-Final Office Action claims 6 and 14 were addressed (grouped) together and a note to see the 35 USC §112, 2nd paragraph rejection was included in the rejection of the group of claims 6 and 14. The 112 2nd rejection, however, inadvertently indicated only claim 6 which claim Applicant has cancelled to obviate the 112 2nd claim rejection notwithstanding the coextensive rejection of both claims in the prior office action. Examiner therefore reasserts the 112 2nd rejection with respect to claim 14 as noted above.

Claim 16:

Robson/Pollalis describes and/or discloses the limitations of claim 11 as shown above. Robson further describes and/or discloses the following limitation.

- *said system is a web-based Program Management Application* (Robson, in at least [0024] states: "As shown [...] the Web-enabled application embodying the present invention [...]" (emphasis added).)

Claim 20:

Robson/Pollalis describes and/or discloses the limitations of claim 19 as shown above. Robson further describes and/or discloses the following limitation.

- *said network is The Internet* (Robson, in at least [0011] states: "The computer network may include the Internet [...]" (emphasis added).)

Claim 23:

Robson/Pollalis describes and/or discloses the following limitations.

- *A set of application program interfaces embodied on a computer-readable medium for execution on a computer in conjunction with an application program that manages programs, comprising*
 - *A First Interface that receives First Interdependency Data from a First Program* (Robson, in at least the abstract states: "A first dependency relationship may be defined between the tasks," (emphasis added) where the 'dependency relationship' corresponds to *first interdependency data* and 'task' corresponds to a *first program*. Robson, in at least [0011] states: "The selectively and remotely accessible graphical representation may be rendered on a Web browser or other suitable interface," (emphasis added) where the term 'selectively' identifies a particular 'suitable interface', hence, corresponds to a *first interface*.);
 - *A Second Interface that receives Second Interdependency Data from a Second Program* (Robson, in at least the abstract refers to the "definition of second dependency relationship(s) [...]" (emphasis added) where the 'definition' corresponds to *data* pertaining to *second interdependency*. See the references for the previous limitation pertaining to the 'suitable interface'.);
 - *A Third Interface that displays said First Interdependency Data and said Second Interdependency Data in a program schedule wherein a modification of an activity in one of said programs causes an effect of said modification to said program schedule to be displayed* (See the rejections of the previous limitations regarding *first (second) interdependency data* and associated *interface[s]*. Robson, in at

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least [0007]: "What are needed, [], are [...] tools that enable project contributors to dynamically update the project definition and timeline." (emphasis added) where this pertains to the 'modification of activities' and the 'update' of the related 'project definition and timeline' which corresponds to the *program schedule*.)

2. Claims 7, 8, 15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson/Pollalis as applied to claims 3 and 11 above, and further in view of Applicant's own prior art.

Claims 7 and 17:

Note that although claims 7 and 17 have different dependencies and, hence different preambles (where, for example, in claim 7 there is an *electronic schedule* and in claim 17 there is a *system*), they have identical scope and so are addressed together. Robson/Pollalis describes and/or discloses the limitations of claims 3 and 11 as shown above. Robson further describes and/or discloses the following limitation.

- *The method of Claim 3 wherein said electronic schedule is operable for managers to raise issues, alert managers of scheduling changes, arrange team meetings, and initiate phase exit reviews* (Robson, in at least the abstract states: "An Issue, a Change Request and/or a Change Order may be remotely defined." (emphasis added) where 'issue' that is 'remotely defined' corresponds to *raise issues*, 'change request' and 'change order' correspond to *scheduling changes*. Robson, in at least [0016] states: "The present invention may [...] be configured to send a message (such as by email, for example) to the person assigned to any given Task, Issue, Change Request and/or Change Order." (emphasis added) where 'send a message' via 'email' corresponds to *electronic schedule [that] is operable* and 'the person assigned' to effect a 'change request' corresponds to a *manager* that is *alert[ed]* via email.)

Robson does not specifically refer to *arrange team meetings, and initiate phase exit reviews*, but Applicant, as shown, does. Applicant in at least [0006] of the description of prior art states: "Program management resources include metrics, problem logs, alerts, team meetings, phase exit reviews, and audits." (emphasis added). As shown by the teachings of Robson and Pollalis, a great deal of development in project management software systems has occurred over the course of many years (from at least the time of Pollalis' invention). As web-enabled commerce evolved and more complex projects undertaken, a *natural scaling up* of project management software and systems that permit management across traditional boundaries is evident. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the

invention to combine the teachings of Robson/Pollalis with Applicant's prior art thereby providing the capability of establishing tasks and activities, graphically displaying task interdependencies, storing such data in a database, and giving managers the capability to view and track project developments and otherwise usefully manage complex projects as these combined inventions enable users with greater information and control over an increasingly complex project management process involving a multitude of projects.

Claims 8 and 15:

Note that although claims 8 and 15 have different dependencies and, hence different preambles, they have identical scope and so are addressed together. Robson/Pollalis describes and/or discloses the limitations of claims 3 and 11 as shown above. Robson/Pollalis do not specifically describe and/or disclose the following limitation, but Applicant's own prior art, as shown, does.

- *displaying problem logs* (Applicant in at least [0006] of the description of prior art states: "Program management resources include metrics, problem logs, alerts, team meetings, phase exit reviews, and audits." (emphasis added).)

As shown by the teachings of Robson and Pollalis, a great deal of development in project management software systems has occurred over the course of many years (from at least the time of Pollalis' invention). As web-enabled commerce evolved and more complex projects undertaken, a *natural scaling up* of project management software and systems that permit management across traditional boundaries is evident. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Robson/Pollalis with Applicant's prior art thereby providing the capability of establishing tasks and activities, graphically displaying task interdependencies, storing such data in a database, and giving managers the capability to view and track project developments and otherwise usefully manage complex projects as these combined inventions enable users with greater information and control over an increasingly complex project management process involving a multitude of projects.

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3. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robson/Pollalis as applied to claims 3 and 11 above, and further in view of Rosnow (US 7051036 B2).

Claims 9 and 18:

Note that although claims 9 and 18 have different dependencies and, hence different preambles, they have identical scope and so are addressed together. Robson/Pollalis describes and/or discloses the limitations of claims 3 and 11 as shown above. Robson/Pollalis do not specifically describe and/or disclose the following limitation, but Rosnow, as shown, does.

- *said activities comprise phases, tasks, deliverables, and gates* (Rosnow, in at least [0025] refers to "development phases" and "Project data [...] and tasks [...]" (emphasis added). Rosnow, in at least [0039] states: "Some of the task deliverables [...]" (emphasis added). Finally, Rosnow refers to gates in at least [0010]: "The system [...] prompts decision-makers [...] before proceeding further with the project at predetermined gates of the development process." (emphasis added).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teaching of Robson/Pollalis with those of Rosnow they permit a variety of different types of activities to be encompassed and handled by project management software and systems and thereby enable greater application of the systems and methods described in the instant application to complex project management problems.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Robson/Pollalis as applied to claim 19 above, and further in view of Abrams (US 7305392 B1).

Claim 21:

Robson/Pollalis describes and/or discloses the limitations of claim 19 as shown above. Robson/Pollalis do not specifically describe and/or disclose the following limitations, but Abrams, as shown, does.

- *said user interface is a JAVA application* (Abrams, in at least [0073] states: "The [...] applications [] may be implemented using conventional hypertext markup languages (HTML), Java, and/or other web related software[s]." (emphasis added) where the

noted 'markup languages' are used in a *user interface* and its implementation may be in a *JAVA application* correspondent to *web related software*.)

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention to combine the teachings of Robson/Pollalis with that of Abrams because, as is widely known, use of Java is platform independent, hence "ports well from one operating system to another" (see Application, [0034]) and thus provides for greater market penetration and wider adoption of the system and methods described.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon that is considered pertinent to applicant's disclosure are:

- Srinivasan (US 5548506 A) which pertains to project management and also describes "task inter-dependencies or inter-project priorities" and "compiles multi-project plans into a multi-project database..." (Srinivasan, abstract)

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Dr. **Mark A. Fleischer** whose telephone number is **571.270.3925**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Beth Boswell** whose telephone number is **571.272.6737** may be contacted.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on

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access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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Mark A. Fleischer, Ph.D.

/Mark A Fleischer/

Examiner, Art Unit 3623

7 August 2008

/Beth V. Boswell/

Supervisory Patent Examiner, Art Unit 3623